

AMENDED IN ASSEMBLY APRIL 15, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2474

Introduced by Assembly Members Simitian and Chan

February 21, 2002

An act to amend ~~Sections 13700 and~~ *Section* 13710 of the Business and Professions Code, relating to automotive products.

LEGISLATIVE COUNSEL'S DIGEST

AB 2474, as amended, Simitian. Automotive products.

Existing law requires the Department of Food and Agriculture to establish specifications for engine coolants or antifreeze that promote the public safety in the operation of motor vehicles. Existing law also provides for the regulation by the department of certain other automotive products.

This bill would require any engine coolant or antifreeze sold in this state after July 1, 2003, that is manufactured after January 1, 2003, and that contains more than 10% ethylene glycol, to include Denatonium Benzoate at a minimum of 30 parts per million as a bittering agent so as to render it unpalatable, or another equivalent aversive agent.

~~This bill would require any automotive product, as defined, sold in this state after July 1, 2003, that is manufactured after January 1, 2003, containing more than 4% methyl alcohol that is not formulated as a motor vehicle fuel to contain Denatonium Benzoate at a minimum of 30 parts per million as an aversive agent within the product so as to render it unpalatable, or another equivalent bittering agent.~~

~~This bill would also revise the definition of automotive product and adds definitions of windshield washer fluid or window washer fluid.~~

This bill would provide that a manufacturer, distributor, or seller of an automotive product that is required to contain an aversive agent under these provisions, is not liable to any person for any personal injury, death, or property damage that results from the inclusion of the aversive agent in ethylene glycol antifreeze, with specified limitations.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 13700 of the Business and Professions~~
2 ~~Code is amended to read:~~
3 ~~13700. (a) "Automotive product" means engine coolant or~~
4 ~~antifreeze, prediluted engine coolant or prediluted antifreeze,~~
5 ~~brake fluid, automatic transmission fluid, and any windshield~~
6 ~~washer fluid or window washer fluid.~~
7 ~~(b) "Automatic transmission fluid" means a product intended~~
8 ~~for use in a passenger vehicle, other than a bus, as either a lubricant,~~
9 ~~coolant, or liquid medium in any type of fluid automatic~~
10 ~~transmission, or any other type of unit through which, or by which,~~
11 ~~force, energy, or power is transferred from a motor vehicle engine~~
12 ~~by hydraulic means to the driving assembly.~~
13 ~~(c) "Brake fluid" means the fluid intended for use as the liquid~~
14 ~~medium through which force is transmitted in the hydraulic brake~~
15 ~~system of a vehicle operated upon the highways.~~
16 ~~(d) "Carton" means the package or wrapping in which a~~
17 ~~number of containers are shipped or stored.~~
18 ~~(e) "Container" means any receptacle in which a commodity~~
19 ~~is immediately contained when sold, but does not mean a carton~~
20 ~~or wrapping in which a number of receptacles are shipped or~~
21 ~~stored, or a tank car or truck.~~
22 ~~(f) "Engine coolant" or "antifreeze" means any substance or~~
23 ~~preparation, regardless of its origin, intended to be diluted before~~
24 ~~use as the cooling medium in the cooling system of an internal~~
25 ~~combustion engine to provide protection against freezing,~~
26 ~~overheating, and corrosion of the cooling system, or any product~~
27 ~~intended to be diluted before use which is labeled to indicate or~~
28 ~~imply that it will prevent freezing or overheating of the cooling~~
29 ~~system of an internal combustion engine.~~

1 ~~(g) “Label” means all written, printed, or graphic~~
2 ~~representations, in any form whatsoever, imprinted upon or~~
3 ~~affixed to any container or accompanying any product referred to~~
4 ~~in this chapter.~~

5 ~~(h) “Prediluted engine coolant” or “prediluted antifreeze”~~
6 ~~means any substance or preparation, regardless of its origin,~~
7 ~~intended or labeled for use full strength as the cooling medium or~~
8 ~~as a top off in the cooling system of an internal combustion engine~~
9 ~~to provide or supplement protection against freezing, overheating,~~
10 ~~or corrosion of the cooling system.~~

11 ~~(i) “Principal display panel” means that part of the label that~~
12 ~~is designed to most likely be displayed, presented, shown, or~~
13 ~~examined under normal and customary conditions of display and~~
14 ~~purchase.~~

15 ~~(j) “Windshield washer fluid” or “window washer fluid”~~
16 ~~means any external cleaning product to be placed in a receptacle~~
17 ~~mounted on the automobile designed for the purpose of spraying~~
18 ~~onto the windshield, and which contains more than 4 percent~~
19 ~~methyl alcohol.~~

20 ~~SEC. 2.—~~

21 *SECTION 1.* Section 13710 of the Business and Professions
22 Code is amended to read:

23 13710. (a) (1) The department shall establish specifications
24 for engine coolants and antifreeze, and prediluted engine coolants
25 and prediluted antifreeze that promote the public safety in the
26 operation of motor vehicles.

27 (2) In addition to paragraph (1), if the American Society for
28 Testing and Materials adopts standards for recycled engine
29 coolants and antifreeze, the department, on or before January 1,
30 2002, shall establish specifications for recycled engine coolants
31 and antifreeze, and recycled prediluted engine coolants and
32 antifreeze that promote the public safety in the operation of motor
33 vehicles.

34 (3) The chemical, physical, and performance specifications for
35 engine coolants and antifreeze and prediluted engine coolants and
36 prediluted antifreeze under paragraphs (1) and (2) shall not fall
37 below the minimum specifications, if any, established by the
38 American Society for Testing and Materials. Engine coolant and
39 antifreeze shall not contain, after dilution with 30 percent water
40 and subsequent mixing, visually identifiable suspended matter or

1 sediment. Prediluted engine coolant and prediluted antifreeze
2 shall not contain, after mixing, visually identifiable suspended
3 matter or sediment.

4 (4) For purposes of this subdivision, the department shall adopt
5 testing procedures and shall specify a virgin reference coolant that
6 it finds is recognized as standard in the industry. Alcohol-based
7 coolants and antifreeze, excluding glycols, are not suitable for use
8 in automotive engines and shall not be sold or distributed for
9 automotive use.

10 (b) Any automatic transmission fluid sold without limitation as
11 to type of transmission for which it is intended, shall meet all
12 automotive manufacturers' recommended requirements for
13 transmissions in general use in the state. Automatic transmission
14 fluids that are intended for use only in certain transmissions, as
15 disclosed on the label of its container, shall meet the latest
16 automotive manufacturers' recommended requirements for those
17 transmissions.

18 (c) The department shall establish specifications for brake fluid
19 that promote the public safety in the operation of automotive
20 vehicles. The specifications for brake fluid shall not fall below the
21 minimum specifications established by the National Highway
22 Traffic Safety Administration of the United States Department of
23 Transportation.

24 (d) Any manufacturer or packager of any product regulated by
25 this chapter and sold in the state shall provide, upon request to duly
26 authorized representatives of the department, documentation of
27 any claim made upon their products' label.

28 (e) ~~(4)~~ Any engine coolant or antifreeze sold in this state after
29 July 1, 2003, that is manufactured after January 1, 2003, and that
30 contains more than 10 percent ethylene glycol, shall include
31 Denatonium Benzoate at a minimum of 30 parts per million as a
32 bittering agent within the product so as to render it unpalatable.
33 Another aversive agent may be used if it meets or exceeds the
34 degree of aversion in test subjects obtained by utilizing the
35 formulation of 30 parts per million of Denatonium Benzoate in
36 antifreeze. Any manufacturer or packager of a product subject to
37 this section shall certify in writing to the Division of Measurement
38 Standards of the Department of Food and Agriculture, the trade
39 name, scientific name, and active ingredients of any bittering

1 agent used pursuant to this chapter not later than 30 days after the
2 agent has been included in the product.

3 ~~(2) Any windshield washer fluid or window washer fluid sold~~
4 ~~in this state after July 1, 2003, that is manufactured after January~~
5 ~~1, 2003, shall contain Denatonium Benzoate at a minimum of 30~~
6 ~~parts per million as a bittering agent within the product so as to~~
7 ~~render it unpalatable. Another aversive agent may be used if it~~
8 ~~meets or exceeds the degree of aversion in test subjects obtained~~
9 ~~by utilizing the formulation of 30 parts per million of Denatonium~~
10 ~~Benzoate in windshield washer fluid or window washer fluid. Any~~
11 ~~manufacturer or packager of a product subject to this section shall~~
12 ~~certify in writing to the Division of Measurement Standards of the~~
13 ~~Department of Food and Agriculture, the trade name, scientific~~
14 ~~name, and active ingredients of any bittering agent used pursuant~~
15 ~~to this chapter not later than 30 days after the agent has been~~
16 ~~included in the product.~~

17 *(f) (1) A manufacturer, distributor, or seller of an automotive*
18 *product that is required to contain an aversive agent under this*
19 *section, is not liable to any person for any personal injury, death,*
20 *or property damage that results from the inclusion of the aversive*
21 *agent in ethylene glycol antifreeze.*

22 *(2) The limitation on liability provided by this subdivision is*
23 *only applicable if the aversive agent is included in ethylene glycol*
24 *antifreeze in concentrations mandated by this section.*

25 *(3) The limitation on liability provided by this subdivision does*
26 *not apply if the personal injury, death, or property damage results*
27 *from willful and wanton misconduct by the manufacturer,*
28 *distributor, or seller of the ethylene glycol antifreeze.*